IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 349 OF 2006

Shri Jagdish Prasad Agarwal through CA.] .. Petitioner

Versus

The State of Maharashtra & 3 ors.] .. Respondents

Mr. M.V. Limaye i/b Sagar Joshi for the petitioners.

Ms. I.K. Calcuttawala, AGP, for the respondent No.1.

Ms. T.H. Puranik for the respondent No.2.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA, JJ.

DATED: 22ND MARCH, 2006

P.C. :

. Notice has been served under Section 314 of the Mumbai Municipal Corporation Act, 1888. The case of the petitioner, who is a tenant in the premises, is that by that notice the Corporation is seeking to acquire property which is not in the ownership of the respondent No.2. The notice under Section 314 can only be issued when there is an extension on a public road. The question, therefore, of acquisition will not arise. If the petitioner still does not agree, it will be open to him to take such steps in law which he will be entitled

to. This Court, in a matter of widening of public roads, would not allow the invocation of its extra ordinary jurisdiction.

2. Hence Petition rejected.

Sd/-
[F.I. REBELLO, J.]

Sd/-
[ANOOP V. MOHTA, J.]